

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA


JOHN E. FELGAR,	)	
Petitioner,	)	
	)	C.A. No. 04-196 Erie
	)	District Judge McLaughlin
PENNSYLVANIA BOARD OF	)	Magistrate Judge Baxter
PROBATION AND PAROLE,	)	
Respondent.	)	

**OBJECTIONS TO THE MOOTNESS ISSUE**

I, John E. Felgar, make the following objections to the opinion of Susan P. Baxter, Chief Magistrate Judge:

1. The case is not moot for several reasons:
  - a. I was in custody when my Habeas Corpus Petition was filed for over 14 months before the first hearing was held, see Spencer v. Kemna, 525 U.S. 1, 140 L.Ed.2d. 43, 118 S.Ct. 979 (1998).
  - b. The Defendant Pennsylvania Board of Probation and Parole may not manipulate these proceedings so that I am not on probation for 3 years after my release from prison, (See attached Sentencing Orders), see Mabry v. Johnson, 467 U.S. 504 n3, 507, 81 L.Ed.2d 437, 1045 S.Ct. 2543 (1984), and Barry v. Browler, 834 F.2d 294, 296 (3d. Cir. 1988).

Respectfully submitted:

  
John E. Felgar

1-23-06  
Date

**FILED**

JAN 24 2006

CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA

COURT OF COMMON PLEAS OF JEFFERSON COUNTY  
PENNSYLVANIA  
CRIMINAL

FILED

AUG 22 2002

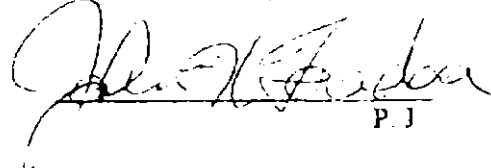
COMMONWEALTH OF PENNSYLVANIA : No. 632 - 2001 Cr.  
vs. :  
JOHN E. FELGAR, : OTN: H 284299-1  
Defendant. : Charge: Simple Assault (M-2)  
: Pros: Ofc. Kirk Brudnock  
: Reynoldsville PD

SENTENCE

AND NOW, August 22, 2002, the defendant having entered a plea of guilty in this matter, the sentence of the Court is that the defendant:

1. Pay the cost of prosecution.
2. Make restitution to the victim, DyAnna Hubler, in the amount of One Hundred Twenty-eight Dollars (\$128.00).
3. Pay a fine in the amount of Two Hundred Dollars (\$200.00).
4. Undergo imprisonment at a State Correctional facility for a minimum of six (6) months to a maximum of twenty-four (24) months, with credit given for time served.
5. The charge of Recklessly Endangering shall be nolle prossed

BY THE COURT,

  
P. J.

ENTERED

FILED

COURT OF COMMON PLEAS OF JEFFERSON COUNTY  
PENNSYLVANIA  
CRIMINAL

AUG 28 2002

TORRYA S. GEIST  
PRO. & CLERK of COURTS

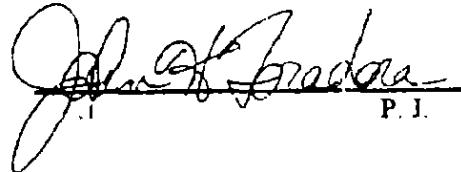
COMMONWEALTH OF PENNSYLVANIA :  
 :  
 :  
 vs. : NO. 632 - 2001 Cr.  
 :  
 :  
 JOHN FELGAR : Charge: Terroristic Threats  
 Defendant. : (M-1)

ORDER CORRECTING WRITTEN  
SENTENCE ORDER OF AUGUST 22, 2002

AND NOW, August 26, 2002, it having come to the attention of the Court  
that the written Sentence Order of August 22, 2002 incorrectly listed the charge as  
Simple Assault when it should be charged as Terroristic Threats,

IT IS THEREFORE HEREBY ORDERED that the written Sentence Order of  
August 22, 2002 is corrected to list the charge as "Terroristic Threats (M-1)".

BY THE COURT,

  
P. J.

ENTERED

COURT OF COMMON PLEAS OF JEFFERSON COUNTY  
PENNSYLVANIA  
CRIMINAL

FILED

AUG 22 2002

COMMONWEALTH OF PENNSYLVANIA : No. 632 - 2001 Cr.  
: OTN: H 284299-1  
vs. : Charge: Simple Assault (M-2)  
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Defendant. : Pros: Ofr. Kirk Brudnock  
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PROBATION DEPT. OF COURTS

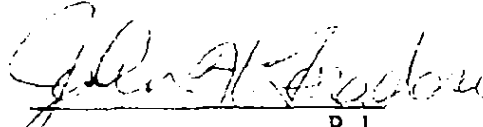
PROBATION ORDER

AND NOW, August 22, 2002, the defendant having entered a plea of guilty in this matter, the imposition of sentence is hereby suspended and the defendant is placed on probation for a period of FIVE (5) YEARS, under the supervision of the Pennsylvania Board of Probation and Parole, upon the following terms and conditions:

1. The defendant will comply with the general rules, regulations and conditions of probation.
2. The defendant will also comply with the following special conditions of probation:
  - A. Pay the costs of prosecution.
  - B. Pay a fine in the amount of Two Hundred Dollars (\$200.00).
  - C. Pay a supervision fee of Thirty Dollars (\$30.00) per month.
3. Said probation shall run concurrent with the sentence imposed at No. 632-2001 Cr., charge of Simple Assault.

BY THE COURT,

ENTERED

  
P. J.